# SECTION I. PERSONAL STATUS

## CHAPTER I. THE FAMILY AND THE CLAN

### 1. Generalities

596 The family sensu stricto (rugo) (1) is more inclusive than in

[196] 1. The rugo is the enclosure in which are the hut, the granaries, and the stables. By extension, this word designates the family in the strict sense of the word. In the plural: ingo.

our countries. It includes the father; his wives and their children, whether married or not; the father's brothers; and their wives and [567] children. Formerly, the slaves taken in war (abanyagano) (2) were

2. Cf. also Marriage, p. 15; Birth and Filiation, p. 29; Government and Administration, Nationality, p. 70; Social Classes, p. 91; Right of War, p. 92.

also part of it.

● [566] The Bahutu, serfs of the Batutsi, have their own rugo. The Ruanda family is of the patriarchal type. Filiation counts in the [611] paternal line (3); the child does not necessarily take the name of his

3. The children are nevertheless considered, in a way, as belonging to both father's family and the mother's. The Banyarwanda say: Umuntu akomoka iwabo wase nanyina, that is to say, "the man proceeds from both (families), his father's and his mother's."

596 591 father (4); paternal authority is exercised by the father, and the wife

4. This was even rare before European penetration.

[74] SECTION IV. OBLIGATIONS AND CONTRACTS

●566 The typical obligation results from the contract of the so-called ubugaragu by which a man who has paid homage (guhakwa) to a cattle owner obtains from him one or more cows taken from among his inyarulembo (1), (2). They are called inkazibiti if the

1. Cf. Property, Ownership of Cattle, p. 44.

2. The patron is not really tied by a contractual obligation. He merely accepts the client's services.

umugaragu (client) is a Muhutu, or ingabane if he is a Mututsi. The umugaragu has the right only to the usufruct of this cattle and its young, and only for the length of time it pleases his shebuja (patron) to leave it with him.

On the other hand, when a man is tied by the ubugaragu contract, the cows that were his personal property (imbata) become inkazibiti.

The principal advantages derived by the client from the ubugaragu contract are as follows: sale of the milk, butter, meat, and skins; help in case he should become disabled and incapable of providing for his needs; the honor of being named liegeman of such and such a person, instead of being given scornful names such as uriyamuntu, that man; or uriya mugabo, that simple man. That is why one says kugir'uguhatse n'ukugir'izina (to have a chief is to have a name).

Each client is subject to various obligations and payments to his patron for which he can be helped by his sons and even eventually by his abagaragu and their families.

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A. Obligations of the Client.

1) Gufat'igihe (lit., to take the time), that is to say, to pay homage during a period of time whose duration is determined by the chief.

The client must accompany his patron on a journey, for example, when he goes to the Mwami's Court or to visit a great chief.

666 While they are traveling, the client acts as cook, makes sure that water and wood are collected, and keeps the injishywa (1). The

1. Cf. Property, Ownership of Cattle, p. 46.

length of time the client must follow his patron depends on the number of cows he holds or hopes to acquire, and also on the number of clients among whom the obligations can be distributed.

When the patron is on his own land, the umugaragu carries the provisions to his storehouse.

2) Kubak'inkike (lit., to build a part of the rugo).

The clients must each build or repair a part of the enclosure surrounding the patron's hut and storehouses by providing the necessary materials.

The obligation to build the hut is shared jointly by all the abagaragu.

3) Kurarira (night watch or evening spent in talk).

The clients must take turns watching over the patron while he is resting and guard his rugo. The sentinels must bring the wood needed to light the watch fire.

4) Gutumwa (to be sent).

Each client must carry messages from his master any distance and accompany his servants who are bearing presents to a relative or friend of the patron. The umugaragu may even be a messenger and bearer at the same time if the present is intended [76] for an important person or for one who is particularly dear to the shebuja's heart.

5) The umugaragu must take part in the sowing of the sorghum (ishaka) (1) for two days.

1. Sorghum is a sacred plant and the sowing calls for a propitiatory ceremony.

6) Kutanga imibyizi (to cultivate the fields).

The Bahutu clients come and work in the patron's fields for an indefinite period of time, depending both on the number of abagaragu and the number of cattle that have been given them by the shebuja. Nor is the task of each one exactly determined.

566 7) Kumutabaraho (lit., to accompany to war).

This is a general obligation, to follow the master to war, to cut his wood, etc.

8) The client, designated in this case with the name umwozi (washer of pots), must watch over the quality of the milk kept in pots, bring it to his master (kugemera), and have the pots washed by a servant called umuhondamonyi.

9) Except for those that are poor, the abagaragu have a custom of honoring their master with presents, pots of beer, for example. The patron as a rule merely tastes the inzoga and then distributes it to his abagaragu.

10) If the patron loses any of his cattle, the clients must offer him an inshumbushanyo cow (2).

2. Cf. Property, Ownership of Cattle, p. 45.

11) Similarly, if the shebuja is in mourning, he receives from umugaragu an indorano (3).

3. Cf. idem, p. 45.

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B. Obligations of the Patron

1) If the client has stolen a cow from another proprietor, in order to avoid the punishment of his umugaragu, the client intervenes (kugura, to buy back) and indemnifies the injured party. If he did not act in this way, he would be held in no esteem.

2) If the client is very poor, the patron gives him a bull calf so that he can eat meat and clothe himself with the skin. He provides him with milk.

3) The patron must assist the client in his palavers (kulengera).

4) The patron must help the client who wants to get married pay the dowry. For this he gives him a cow. If the umugaragu is important, the shebuja authorizes him to choose the inkwano cow himself. (1). If he has received only a cow from the patron, the latter

1. Cf. Property, Ownership of Cattle, p. 44.

566 can authorize him to give it as a dowry. The ties binding him to his patron are thus tightened, for the wife acts as guarantee that the ubugaragu contract will be well executed.

If the umugaragu commits a serious offense, the shebuja can take back the inkwano from the father-in-law (iyo batararongolanya or baraikoranura, lit., to prevent the marriage) for as long as his client has not received the indongoranyo (2). When this has been

2 Cf. idem, p. 44.

paid, the shebuja's rights are exercised over it.

5) When a client dies, the patron must watch over the fate of his wife and children. If the umugaragu has no brother, the shebuja becomes the orphans' guardian (kumuremera). In the opposite case, a paternal or maternal uncle shares the guardianship with the patron.

If the patron has paid his client's dowry, he takes the dowries given for his client's daughters and keeps them [78] until he turns them over to the boys so that they in turn can get married.

6) In the past the patron had to avenge his client's murder (kumuhorera) himself. Accompanied by his abagaragu and one of the deceased's sons, he would go and kill the murderer by means of a subterfuge. Pointing to the orphan, he would say to the murderer, "There is the one who kills you"; then he would kill him or else the shebuja would go to the Mwami to demand justice.

7) The client may dispose of the milk of the cows given him (intagemura) and make butter and cheese from it when the patron's requirements of milk are assured. Similarly, with the permission of the shebuja, he may slaughter animals and eat or sell the meat.

8) From time to time, the patron must give aihoe to his Muhutu client.

The patronage contract never comes to an end unless the cows die or if the client proves himself to be unworthy of the confidence placed in him. In this last case the master takes back his cows (kunyaga) and their young.

In addition, if the shebuja is at the same time the hill or provincial chief or the Mwami, he can deprive the client of his fields and rugo and drive him away from the hill. The client can only take with him his stick (banuh'akabando, lit., he is given a stick), the

566 most unimportant and useless of things.

Along with the ubuguragu contract and other leases of live-
437 stock such as the ingwate and its variants, the indagizo (1) etc.,

1. Cf. Property, Ownership of Cattle, p. 46.

Ruanda common law has a number of other [79] contracts. We will list in the following which are those in most common use.

Purchase-sale (kugura)

These transactions take place in the markets (amaguriro,
443 plural iguriro), located usually at the crossroads of the thoroughfares.
437 The most frequented are those of Rukiga and Kinyaga. The people of Buganza and Buliza come there to exchange their cows for salt,
[435] provisions, beer, honey, baskets, etc. In the past, animals and things on sale were valued in hoes (1).

1. The salt seller wishing to obtain a bull calf would ask how much it was worth in hoes. He would be answered, "Fifty." He would then take a basket of salt valued at one hoe and would give 50 of these to the owner of the bull calf. A current expression was: "It is a three-hoe goat." Today a hoe is worth 8 francs.

Specialized merchants (abatunzi, lit., the rich) also go there and offer for sale produce and objects they have brought from far
[301] away, for example ubutega (2) made in Urega (country of the Warega).

2. These thin rings of rattan fiber worn around the legs by the Banyarwanda women from their ankles to their knees were formerly fairly valuable. Three thousand
[435] ubutega were worth a bull calf, and a complete set of the ornaments could be bought only with the payment of two sterile cows.

Sometimes they combine their resources in order to make large purchases (gufatanya urutundo, lit., to assemble business).

he will not give; and if he wishes, he will take back what he has already given in order to give it to someone he likes better. An inferior, whether it be the serf of a Tutsi or a wife in relation to her husband, can protest only in vain that he has worked hard, that he has always been docile and obedient, that he has always liked and respected his superior. There are no formal sanctions against a superior who accepts services and goods from his inferior and gives him nothing in return. However, there are more subtle measures to be taken against him. An inferior, if he has any alternative open to him, will abandon an ungenerous superior.

Sometimes a Tutsi deserts a prince who has not given him cows or a subchiefdom, in order to enter service with one who is more generous and powerful. A son may leave the property of his father if he is not satisfied with his heritage and will enter service with a stranger who promises to give him lands and cows. A woman will return to her father's home if her husband mistreats her, and ask her father to find her a better husband. When those who are dissatisfied complain publicly about ungenerous superiors, they will have difficulty in replacing the inferiors who desert them. However, if one does not find another superior with whom to take refuge, it is necessary to stay with the bad one and to resign oneself to unhappiness, sometimes to hunger, sometimes to death. For, physical violence is the privilege of the superior. It is up to him to instruct and correct his inferiors by words and blows. Or, if he is in a bad humour, his inferiors are always around, and he can take out his displeasure on them. Children expect to be beaten by their parents, serfs and servants by their master and mistress, and a woman, even an *impfura*, considers it quite normal for her husband to beat her, especially if she has been difficult or if he has had a good deal to drink. According to the ideal, a superior is always benevolent, generous, wise and just. Beating does not suggest a lack of affection. If the superior does not give presents to his inferior, then it is known that he does not like him.

In principle, *umutima*, sentiment (literally, "the heart"), is always combined with the material value of a gift. *Urukundo*, love or affection, rather than law or rights, explains the gifts of superiors and the services rendered by inferiors. It is possible that the Rundi insist so much upon the importance of sentiment and love because they have so little of them. However this may be, there is no doubting their joy and sense of well-being when they receive even the smallest present. However, they mistrust *urukundo:* love can change to hate very quickly, they say. Inferiors are always afraid that the superior will stop liking them or will send them packing

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or will take back the cow he has given. In turn, superiors consider defection and disloyalty as the worst of crimes. Even if a servant is insolent and lazy, he will be well taken care of if he always tells his master whatever news and rumours he has heard about him. A woman who is disagreeable, lazy or even sterile will not be chased from the household if she is clever in helping her husband with his business and if she never speaks ill of him. An individual may have confidence only in his blood-friend, male or female. However, occasionally, true friendship ties a vassal to his chief or a *mwami-kazi* to her confidential servant. In these secure and friendly relationships, the principals tell each other their troubles, give each other advice, and remain loyal to each other forever. It is a matter for much discussion when a husband and wife stay together for 20 years, both married and mutually affectionate. However, neighbours, acquaintances, relatives, and spouses, it is said, do not remain friendly for a very long time. Several months, at most two or three years, suffice to create reasons for hatred, jealousy, vengeance, burning a house, calumny, fights, and visits to the witch to obtain poison.

The maximum of instability is associated with the role of the *abatoni*, the favourites. Fierce rivalry is considered normal among inferiors of the same rank—the men of the princely courts, brothers, plural wives, the servants of the Tutsi. The favourite son or wife is envied by his or her peers and must expect quarrels, poison and calumny. Because a superior may easily change his mind about a favourite, someone else will wait hopefully to take his place, In fact, happiness—many children, a good harvest, a cow which gives much milk, a present large or small—is the mark of the favourites of *Imana* and of human beings. One has received, one is liked by a superior, one is hated by all those who have not received. By this syllogism, it is logical for a rich Tutsi to be jealous both of a poor Hutukazi who has just received from her son-in-law a length of cheap cotton cloth and of a rich Tutsi who has just received another cow. To receive and be liked are identical. Together, they constitute the core of the well-being of inferiors.

Although *ubgenge*, intelligence, is normally accounted an attribute of superiors, it is well understood that inferiors have great need of it. The superior must be intelligent in order to exercise his authority, to judge well of his inferiors, to know the right moment to give and to take back. The *ubgenge* of an inferior has obviously to be of another kind. His goal is to make his superior like him. He must therefore understand his character, his moods, his fears, his desires. He must learn how to flatter him and to seem

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mother-in-law or with a sister-in-law, though sometimes she may be alone on a part of her husband's property at some distance from his father's household. The social division of labour assigns to women nearly total responsibility for anything that is related to food, small children and the house. Men are rarely at home. Among the herders, the men are out in the pastures with the cattle. During the dry season, they may have to go for pasture a long way from home and build temporary dwellings for the season. A Hutu farmer works in the fields of his master, and these may be very far from the plot of land granted him for himself and his family.[13] The wives of a polygamist are each in turn necessarily alone. Moreover, men often have to go on trips for their superiors or to look after their own interests. Sometimes a trip lasts only two or three days, sometimes the man is absent from home for several months or for an entire year. We see here the continuing influence of an earlier day of a military, feudal society. Before 1920, every Tutsi was obliged to put in military service at the court of his prince. His wife sent him food, and he visited her at home from time to time, but he had to spend many months in service. Hutu sometimes went to war, but most of them stayed on the property of their feudal masters to work. Even today, young Rundi, both Hutu and Tutsi, leave home to earn money for the dowry and then very soon after marriage leave again to make money for other purposes. They work for their Rundi superiors, or in Uganda, or Tanganyika, or the European cities of Burundi. As administrators, as porters, as cowherds, they travel a great deal. The women are responsible for the household during the frequent and often prolonged absences of the men.

In all other things the inferior of her husband, a Rundikazi is absolute proprietor of the food supply. The land she farms is her husband's. The husband gives her orders to work and decides what will be grown, and the husband inspects the granaries and the pots of butter. However, it is strictly forbidden for men to take so much as a handful of beans, raw or cooked, or a bit of butter without the wife's permission. If one asks what would happen to a man who might steal food from his wife, it is said: that doesn't happen, nobody would drink with that sort of fellow. This rule is taken very seriously. If a man wants food for himself for any reason, he must grow it himself. He may not touch any of the food raised by his wife. It is said that the woman has raised the food even when the farmhands and the serfs of the husband have done the actual work. What is meant is that the household food supply is always under the control of the wife.



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pick up a piece of firewood and chase the hyena. However, if she hears thieves or a lion or antelope or wild pigs in the fields, she gives the cry of alarm so that the neighbours will come to help her. One need not think that the Rundi consider a woman courageous who is at home alone night after night with several babies and who chases away wild animals and thieves.[16]

In a Tutsi household, all of the tasks of the Hutu household must be done and in addition those which result from the fact that the houses and the yard are used as corral and barns. If a Tutsikazi is lucky, her husband is wealthy enough to provide her with Hutu to do the farming and with one or more Hutu or Tutsi girls to help her in the house and yard. If this is the case, the Tutsikazi's job is to command and supervise others. However, even a Tutsukazi of a very good patrilineage will very likely have to work at least a little in the fields and do some cooking and other household chores. Whether it is the wife, a daughter, or a servant girl, somebody has to clean the yard after the cows have been taken to pasture. The cow dung has to be collected and taken to the fields where it is needed as fertilizer. Fresh earth has to be spread over the puddles and mud that the cows have left, and it is necessary to look in on the calves that are kept in the various houses of the dwelling unit. If a calf or a child or a Hutu is sick, the mistress of the house must prepare the medicine. The wife of a herder has as her first obligation the proper care of the milk which her husband or the boy who milks the cow gives into her care in the morning and the evening. She lets it accumulate so that she can churn every few days. Then, she must clean the butter and put aside some to be used for cooking, some to be mixed with red ochre to be used as a cosmetic, some to annoint the mats of the bed when her husband is at home. If the family is not rich enough to pay a herd boy and if the sons are still young, the Tutsi husband and wife take turns watching over the cows at night. At dawn, both may sleep: thieves will not come once it is daylight.

The richer one is, the more serfs and servants there are to do the work in the house and the fields and to attend to the cattle. Among the very wealthy, the wife is primarily the administrator of her husband's property. She supervises the workers, she gives them orders, she punishes those who misbehave and those who are lazy, and she receives visitors, who are frequently men of high position. The proper education of a Tutsikazi of good family is the responsibility either of her mother or of the princess in whose household she is brought up. There is hope that a daughter will be married by a wealthy man, that she will be literally a *mwamikazi* who will never have to do menial tasks.